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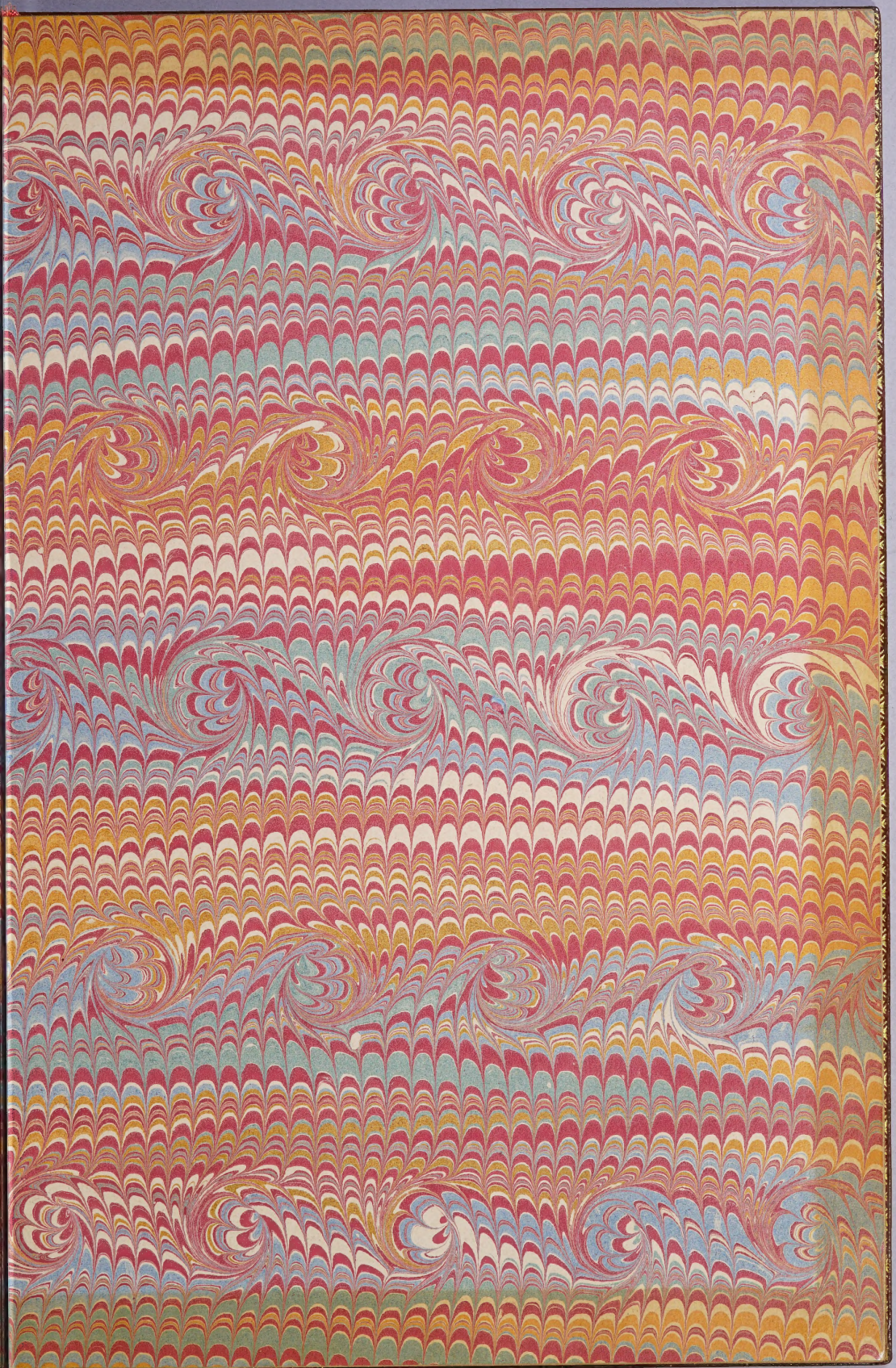

ACT

FOR A

COMPANY

TRADING TO

Africa and the Indies.

June 26. 1695.

EDINBURGH,

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A C T

For a Company Trading to Africa and the Indies.

June 26. 1695.

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OUR SOVERAIGN LORD Taking into His Conſideration; That by an Act paſt in this preſent Parliament, Intituled, *Act for Encouraging of Forraign Trade*; His Majeſty for the Improvement thereof, did with Advice and Conſent of the Eſtates of Parliament, Statute and Declare, that Merchants more or fewer may Contract and enter into ſuch Societies and Companies, for carrying on of Trade, as to any Subject of Goods or Merchandiſe to whatſomever Kingdoms, Countries, or Parts of the World not being in War with His Majeſty, where Trade is in uſe to be, or may be followed, and particularly beſide the Kingdoms and Countries of *Europe*, to the Eaſt and Weſt-*Indies*, the *Streights*, and to Trade in the *Mediterranean*, or upon the Coaſt of *Affrica*, or in the *Northern* Parts, or elſe-where as above: Which Societies and Companies being Contracted and entered into, upon the terms, and in the uſual manner as ſuch Companies are Set up, and in uſe in other parts, conſiſtent always with the Laws of this Kingdom: His Majeſty with Conſent foreſaid, did Allow and Approve, giving and granting to them, and each of them, all Powers, Rights and Priviledges, as to their Perſons, Rules and Orders that by the Laws are given to Companies allowed to be Erected for Manufactories; And His Majeſty for their greater Encouragement, did promiſe to give to theſe Companies, and each of them, His Letters patent under the Great Seal, confirming to them the whole foreſaid Powers and Priviledges, with what other Encouragement His Majeſty ſhould judge needful, as the foreſaid Act of Parliament at more length bears. And His Majeſty underſtanding that ſeveral perſons, as well Forraigners as Natives of this Kingdom, are willing to engage themſelves with great Sums of Money in an *American*, *Affrican*, and *Indian* Trade, to be exerciſed in and from this Kingdom, if Inabled and

His Majeſty conſidering that by an Act for incouraging forraign Trade, Merchants may enter into Societies of Trade to places not in War with the King.

Such Societies to have the priviledges of Companies for Manufactories, and Letters Patent under the Great Seal, for their Incouragement & Confirmation.

And underſtanding that ſeveral perſons as well Forraigners as Natives, with great ſums of Money, would ingage in an Indian Trade, if enabled thereunto by needful Conceſſions.

Incouraged thereunto by the Conceſſions, Powers and Priviledges needful and uſual in ſuch Caſes. Therefore, and in purſuance of the foreſaid Act of Parliament, His Majeſty with Advice and Conſent of the ſaids Eſtates of Parliament; Doth hereby make and conſtitute *John* Lord *Belhaven*, *Adam Cockburn* of *Ormiſtoun*, Lord Juſtice Clerk, Mr. *Francis Montgomery* of *Giffen*, Sir *John Maxwel* of *Pollock*, Sir *Robert Chieſly* preſent Provoſt of *Edinburgh*, *John Swinton* of that Ilk, *George Clerk* late Baillie of *Edinburgh*, Mr. *Robert Blackwood*, and *James Balfour* Merchants in *Edinburgh*, and *John Corſs* Merchant in *Glaſgow*, *William Paterſon*, *James Foulis*, *Daviel Nairn*, *Thomas Deans* Eſquires, *James Chieſly*, *James Smith*, *Thomas Conts*, *Hugh Frazer*, *Joſeph Cohen D' Azevedo*, and *Walter Stuart* Merchants in *London*, with ſuch others as ſhall joyn with them within the ſpace of twelve Months after the firſt day of *Auguſt* next, and all others, whom the foreſaid perſons and theſe joyned with them, major part of them being aſſembled, ſhall admit and joyn into their Joynt-Stock and Trade, who ſhall all be Repute, as if herein originally inſert to be one Body Incorporate, and a free Incorporation, with perpetual Succeſſion, by the Name of *The COMPANY of* SCOTLAND *Trading to* Africa *and the* Indies: *Providing always*, *Likeas*, It is hereby in the firſt place provided, that of the Fond or Capital Stock that ſhall be agreed to, be Advanced and Imployed by the foreſaid Undertakers and their Co-partners; The Half at leaſt ſhall be Appointed and Allotted for *Scots* Men within this Kingdom, who ſhall Enter and Subſcribe to the ſaid Company, before the firſt day of *Auguſt*, One Thouſand Six Hundred and Ninety Six Years: And if it ſhall happen, that *Scots* Men living within this Kingdom, ſhall not betwixt and the foreſaid Term, ſubſcribe for, and make up the equal Half of the ſaid Fond or Capital Stock; Then and in that caſe allannerly, it ſhall be, and is hereby allowed to *Scots* Men reſiding Abroad, or to Forraigners, to come in, Subſcribe, and to be aſſumed for the Superplus of the ſaid Half, and no otherways: *Likeas*, the *Quota* of every Mans part of the ſaid Stock, whereupon he ſhall be capable to enter into the ſaid Company, whether he be Native or Forraigner, ſhall be for the leaſt one Hundred *lib. Sterl.* And for the Higheſt or Greateſt three Thouſand *lib. Sterl.* and no more directly nor indirectly in any ſort; With Power to the ſaid Company to have a common Seal, and to Alter and Renew the ſame at their pleaſure, with Advice always of the Lyon King at Arms; As alſo to Plead and Sue, and be Sued; and to purchaſe, Acquire, Poſſeſs, and Enjoy Lordſhips, Lands, Tenements, or other Eſtate Real or Perſonal, of whatſoever Nature or Quality, and to diſpoſe upon and alienate the ſame, or any part thereof at their pleaſure, and that by Transfers and Aſſignment, made and entered in their Books and Records, without any other Formality of Law; *Providing always*, that ſuch Shares as are firſt ſubſcribed for, by *Scots* Men within this Kingdom, ſhall not be allowable to any other than *Scots* Men living within this Kingdom; That the foreſaid Transfers and Convoyances as to Lands and other real Eſtate (when made of theſe only and apart) be perfected according to the Laws of this Kingdom anent the Convoyance of Lands and Real-Rights, With Power likeways to the foreſaid Company, by Subſcriptions or otherways, as they ſhall think fit to raiſe a Joynt-Stock or Capital Fond of ſuch a Sum or Sums of Money, and under, and ſubject unto ſuch Rules, Conditions and Qualifications, as by the foreſaid Company, or major part of them when aſſembled ſhall be Limited and Appointed to begin, carry on and ſupport their intended Trade of Navigation, and whatever may contribute to the Advancement thereof. *And it is hereby Declared*, that the ſaid Joynt-Stock or Capital Fond, or any part thereof, or any Eſtate Real or Perſonal, Ships, Goods, or other Effects of and belonging to the ſaid Company, ſhall not be lyable to any manner of Confiſcation, Seiſure, Forefaulture, Attachment, Arreſt or Reſtraint, for and by Reaſon of any Embargo, breach of Peace, Letters of Mark or Repriſal, Declaration of War with any Forraign Prince, Potentate or State, or upon any other account or pretence whatſoever; But ſhall only be Transferrable, Aſſignable, or Alienable in ſuch way and manner, and in ſuch Parts and Portions, and under ſuch Reſtriction,

Rules

Conſtitutes Lord Belhaven, *&c. with ſuchas ſhal joyn with them in* 12 *Moneths after the* 1*ſt day of* Auguſt 1695, *and all others by them, to be aſſumed to be a Body Incorporat, with perpetual Succeſſion.*

One half at leaſt, of the joynt Stock alloted to Scots-men *in* Scotland, *who ſhall Subſcribe before the* 1*ſt of* Auguſt, 1696. *or otherwiſe to* Scots-Men *abroad, or Forraigners.*

None to Subſcribe leſs than 100 *lib. or more than* 3000 *lib. Sterling.*

Company may have a Common Seal, and alter and renew the ſame.

May Plead, Sue, be Sued, Purchaſe, and poſſeſs Lands and other Eſtates, and alienat the ſame by Transfers or Aſſignments, in their Books, without other Formality.

Stock ſubſcribed by Scots-men *in* Scotland, *not transferable but to ſuch.*

Transfers of Lands and Real Rights, when made of theſe only, and apart, to be compleated according to Laws of the Kingdom.

The Company may by Subſcription, or otherwiſe, raiſe a joynt Stock of ſuch Sums of Money, and ſubject to ſuch Rules as they ſhall appoint, for promoting and ſupporting their Commerce, and whatever may advance the ſame.

The joynt Stock, or other effects of this Company, not lyable to Confiſcation, Arreſt, or Reſtraint, by reaſon of breach of Peace, Declaration of War, or other account.

Rules and Conditions, as the said Company shall by Writing in, and upon their Books, Records and Registers direct and appoint, and these Transfers and Assignments only, and no other shall convoy the Right and Property, in and to the said Joynt-Stock, and Capital Fond and Effects thereof above-mentioned, or any part of the samen, is above excepted, And that the Creditors of any particular Member of the Company may by their real Diligence affect the share of the Profit falling and pertaining to the Debitor, without having any further Right or Power of the Debitors Part and Interest in the Stock or Capital Fond, otherways than is above-appointed, And with this expres Provision, that whatever Charges the Company may be put to by the contending of any of their Members deceased, or of their Assigney, Creditors, or any other persons in their Rights: The Company shall have Retention of their Charges and Expenses in the first place, And the Books, Records and Registers of the said Company, or Authentick Abstracts, or Extracts out of the same, are hereby Declared to be good and sufficient for Evidents in all Courts of Judicator, and else where, And His Majesty with Advice foresaid, farder Statuts and Declares, that the said *John* Lord *Belhaven*, *Adam Cockburn* of *Ormistoun*, Lord Justice Clerk, Mr. *Francis Montgomery* of *Giffen*, Sir *John Maxwel* of *Pollock*, Sir *Robert Cheisly* present Provost of *Edinburgh*, *John Swintoun* of that Ilk, *George Clerk* late Baillie of *Edinburgh*, Mr. *Robert Black-wood*, and *James Balfour* Merchants in *Edinburgh*, and *John Cors* Merchant in *Glasgow*, *William Paterson*, *James Foulis*, *David Nairn*, *Thomas Deans* Esquires, *James Cheisly*, *James Smith*, *Thomas Couts*, *Hugh Frazer*, *Joseph Cohen*, *D' Azevedo*, and *Walter Stuart* Merchants in *London*, and others to be joyned with, or assumed by them in manner above-mentioned, and their Successors, or major part of them assembled in the said Company, shall and may in all time-coming by the Plurality of Votes, Agree, Make, Constitute and Ordain all such other Rules, Ordinances and Constitutions, as may be needful for the better Government and Improvement of their Joynt-Stock, or Capital Fond in all Matters and Things relating thereunto: To which Rules, Ordinances, and Constitutions, all persons belonging to the said Company, as well Directors as Members thereof, Governours, or other Officers Civil or Military, or others whatsoever, shall be subject, & hereby concluded: As also to Administrat and take Oaths *de fideli*, and others requisite to the Management of the foresaid Stock and Company. And the said Company is hereby impowered to Equipp, Fit, set Out, Fraught, and Navigat their own, or hired Ships, in such manner as they shall think fit, and that for the space of ten years from the date hereof, notwithstanding of the Act of Parliament one thousand six hundred and sixty one Years, Intituled, *Act for Encouraging Shipping and Navigation*, wherewith His Majesty with Consent foresaid dispenses for the said time allanerly, in favours of the said Company, and that from any of the Ports or Places of this Kingdom, (or, from any other parts or places in Amity, or not in Hostility with His Majesty in Warlike or other manner, to any Lands, Islands, Countreys, or Places in *Asia*, *Affrica*, or *America*, And there to Plant Collonies, build Cities, Towns or Forts in or upon the places not Inhabited, or in or upon any other place, by consent of the Natives and Inhabitants thereof, and not posset by any European Soveraign, Potentate, Prince, or State, And to provide and furnish the foresaid Places, Cities, Towns, or Forts with Magazins, Ordnances, Arms, Weapons, Amunition, and stores of War, and by force of Arms to defend their Trade and Navagation, Collonies, Cities, Towns, Forts, and Plantations, and other their effects whatsoever; as also to make Reprisals, and to seek and take Reparation of Damnage done by Sea, or by Land, and to make and conclude Treaties of Peace, and Commerce with the Soveraigns, Princes, Estates, Rulers, Governours, or Proprietors of the foresaid Lands, Islands, Countreys, or places in *Asia*, *Affrica*, or *America*. *Providing always*, *Likeas*, It is hereby specially provided, that all Ships imployed by them shall return to this Kingdom with their Effects, under the pain of Confiscation, Forfaulture and Seizure of the Ship and Goods, in case of breaking of Bulk before their Return, excepting the case of Necessity, for Preserving the Ship, Compa-

But only transferable in the Companies Books as they shall direct.

Share of Profits in the Stock lyable to Debts, without further Right.

In matters of debate, the Company to have retention of Charges in the first place.

Books and Records of the Company, or Extracts thereof, sufficient for evidence.

Lord Belhaven *&c and others to be joyned with them, their Successors, or major part of them assembled, may make and ordain needful Rules and Ordinances, to which all persons of, or belonging to the Company, shall be subject.*

May administer and take Oaths de fideli, and others requisite.

The Company may Equip, Fraught & Navigat their own, or hired ships, from any Port or place, not in hostility with the King, in Warlike, or other manner, to Asia, Affrica, or America.

May Plant & Build upon places not inhabited, or upon others, with consent of such Possessors as are not European.

The Company may fortifie and furnish the places of their possession with Stores of War, and defend their Trade and Possessions, make Reprisals, and take satisfaction of dammage by Sea or Land, may make Treaties of Peace & Commerce in Asia, Affrica, *or* America.

Ships of the Company to return to this Kingdom without breaking of Bulk, except in case of necessity.

ny and Loadning allanerly. And His Majesty with Consent foresaid, doth farder Statute and Ordain, that none of the Liedges of this Kingdom shall or may Trade or Navigat to any Lands, Illands, Countreys or places in *Asia*, or *Affrica*, in any time hereafter, or in *America*, for, and during the space of thirty one Years, to be counted from the passing of this present Act, without Licence and Permission in writing from the said Company: Certifying all such as shall do in the contrair hereof, that they shall Forfault and Amit the third part of the Ship or Ships, and of the Cargo or Cargoes therein imployed, or the value thereof, the one half to His *Majesty* as Escheat, and the other half to the use and benefit of the said Company: For the effectual execution whereof, it shall be lawful to the said Company, or any imployed by them, to seize the saids Ships and Goods in any place of *Asia*, or *Affrica*, or at Sea upon the Coasts of *Asia* or *Affrica*, upon the transgression foresaid, by force of Arms, and at their own hand, and that without the hazard of incurring any Crime or Delinquencie whatsomever on account of the said Seizure, or any thing necessarly done in prosecution thereof, Excepting always, and without prejudice to any of the *Subjects* of this Kingdom to Trade and Navigat, During the said space to any part of *America*, where the Collonies, Plantations, or Possessions of the said Company shall not be settled. And it is further hereby enacted, that the said Company shall have the free and absolute Right and Property, only relieving and holding of his Majesty, and his Successors in *Soveraignity*, for the only Acknowledgment of their Allegiance, and paying yearly a Hogshead of Tobacco, in name of Blench-duty, if required allanerly, in, and to all such Lands, Illands, Collonies, Cities, Towns, Forts, and Plantations that they shall come to Establish or Possess in manner foresaid; As also to all manner of Treasures, Wealth, Riches, Profits, Mines, Minerals, Fishings, with the whole product and benefit thereof, as well under as above the Ground, and as well in Rivers and Seas, as in the Lands thereto belonging, or from or by reason of the same in any sort, together with the Right of Government, and Admirality thereof; And that the said Company may by vertue hereof, grant and delegat such Rights Properties, Powers, and Immunities, and permit and allow such sort of Trade Commerce and Navigation into their Plantations, Collonies, Cities, Towns, or Places of their Possession, as the said Company from time to time shall judge fit and convenient. With Power to them to impose and exact such Customs, and other Duties upon and from themselves, and others Trading with, and coming to the said Plantations, Cities, Towns, places and ports, and Harbours thereof, as the Company shall think needful for the maintainance and other publick uses of the same, *Holding* always, and to hold the whole Premisses of His Majesty, and His Successors Kings of *Scotland*, as Soveraigns thereof, and paying only for the same their Acknowledgment and Allegiance with a Hogshead of Tobacco yearly, in name of Blench-duty if required, for all other Duty, Service, Claim or demand whatsomever. With power and Liberty to the said Company to Treat for, and to procure and purchase such Rights, Liberties, Priviledges Exemptions and other grants as may be convenient for supporting, promoting and enlarging their Trade and Navagation from any forraign Potentate or Prince whatsoever, in amity with His Majesty; for which the general Treaties of Peace and Commerce betwixt His Majesty and such Potentates, Princes, or States shall serve for sufficient security, Warrand and Authority; and if contrair to the saids Rights, Liberties, Priviledges, Exemptions, Grants, or Agreements any of the Ships, Goods, Merchandise, persons or other effects whatsoever, belonging to the said Company, shal be stopt, detained, embazled, or away taken, or in any sort prejudged or damnified, His Majesty promises to interpose his Authority to have restitution, reparation and satisfaction made for the Damnage done, and that upon the publick Charge, which His Majesty shal cause depurse, and lay out for that effect. And farder it is hereby Statute, that all Ships, Vessels, Merchandise, Goods and other Effects whatsoever belonging to the said Company, shall be free of all manner of Restraints, or Prohibitions, and of all Customs, Taxes, Cesses, *Supplies*, or other Duties Im-

None of the Leidges to Trade or Navigat to Asia, or Affrica in any time hereafter, or to America, in 31 years, without permission from the Company.

The Company may seize in Asia or Affrica by Land or Sea, but may not restrain any of the Leidges from Trading to such places of America *as are not possest by them.*

The Company only relieving of his Majesty and Successors, for the only acknowledgment of their Allegiance, and a Hogshead of Tobacco yearly, if required, to have free and absolute Right to the Profits, Government, & Admirality of all their Possessions.

May grant such Immunities, and permit such sort of trade to their countreys and places, as they see meet.

And may exact Customs and other Duties from themselves and others Trading thereto.

The Premises held of his Majesty and Successors, Kings of Scotland, *for the acknowledgment of Allegiance, with a Hogshead of Tobacco yearly.*

The Company may treat for, & procure Rights and Priviledges from any Prince at Peace with the King, the which the general Treaties of his Majesty shal secure and warrand; and if contrary thereto, the Company be damnified, his Majesty will procure satisfaction at the publick charge.

The Ships and other effects of this Company free of all Restraints, Prohibitions, and Impositions, except the Duty of Tobacco & Sugar, not of the growth of their Plantations for 21 years.

Impoſed, or to be Impoſed by Act of Parliament, or otherwiſe, for, and during the ſpace of twenty one years, excepting alwayes the whole Duties of Tobacco and Sugar, that are not of the Growth of the Plantations of the ſaid Company. And farder it is Enacted, that the ſaid Company by Commiſſion under their common Seal, or otherwiſe as they ſhall appoint, may make conſtitute all and every their Directors, Governours, and Commanders in Chief, and other Officers Civil or Military by Sea, or by Land; as likewiſe that the ſaid Company may Inliſt, Inroll, Agree and Retain all ſuch perſons Subjects of this Kingdom, or others whatſoever, as ſhall be willing and conſent to enter in their Service or Pay, providing always that they Upliſt or Levy none within this Kingdom to be Soldiers, without Leave or Warrand firſt obtained from his Majeſty, or the Lords of his Privy Council, over which Directors, Governours, Commanders in Chief, or other Officers Civil or Military, and others whatſoever in their Service and Pay, the Company ſhal have the Power, Command and Diſpoſition both by Sea and Land. And it is farder Statute, That no Officer Civil or Military, or other perſon whatſoever within this Kingdom, ſhall Impreſs, Entertain, Stop or Detain any of the Members, Officers, Servants, or others whatſoever, of, or belonging to the ſaid Company; And in caſe the ſaid Company, their Officers or Agents, ſhall find or underſtand any of their Members Officers, Servants, or others aforeſaid, to be Impreſſed, Stopped or Detained, they are hereby Authorized and Allowed to take hold of, and Releaſe the foreſaid perſon Impreſſed or Stopped in any part of this Kingdom either by Land or Water; and all Magiſtrats and others, His Majeſties Officers Civil and Military, and all others are hereby required in their reſpective Stations, to be Aiding and Aſſiſting to the ſaid Company under the pain of being lyable to all the Loſs, Dammage, and Detriment of the ſaid Company, by reaſon of the foreſaid perſons their neglect. And farder that the ſaid Company, whole Members, Officers, Servants, or others belonging thereto, ſhall be free, both in their Perſons, Eſtates, and Goods Imployed in the ſaid Stock and Trade from all manner of Taxes, Ceſſes, Supplies, Exciſes, Quartering of Soldiers Tranſient or Local, or Levying of Soldiers, or other Impoſitions whatſoever, and that for and during the ſpace of twenty one years. And laſtly, All Perſons Concerned or to be Concerned in this Company, are hereby Declared to be free Denizons of this Kingdom, and that they with all that ſhall Settle to Inhabit, or be Born in any of the foreſaid Plantations, Collonies, Cities, Towns, Factories, and other Places that ſhal be Purchaſt and Poſſeſt by the ſaid Company, ſhall be Repute as Natives of this Kingdom, and have the Priviledges thereof. And generally without Prejudice of the Specialities foreſaid, His Majeſty with Conſent foreſaid, Gives and Grants to the ſaid Company, all Power, Rights and Priviledges, as to their Perſons, Rules, Orders, Eſtates Goods and Effects whatſoever, that by the Laws are given to Companies Allowed to be Erected for Manufactories, or that are uſually given in any other Civil Kingdom, or Common-Wealth, to any Company there Erected for Trade and Commerce. And for the better Eſtabliſhment and greater Solemnity of this Act and Gift in Favours of the ſaid Company; His Majeſty doth farder Ordain, Letters Patent to be expede hereupon, containing the whole Premiſſes under the Great Seal of this Kingdom, for doing whereof *Per Saltum*, Thir Preſents ſhall be ſufficient Warrand both to the Director and Chancellor, or Keeper of the Great Seal, as uſe is in like Caſes.

The Company may conſtitute their Directors, or Officers, and may Inliſt and Retain, Command and Diſpoſe of ſuch as are willing to enter in their Service & Pay, but may Levy none for Souldiers, without warrand from his Majeſty, or the Lords of his Privy Council.

None may Impreſs or Detain any of the Members or Servants of the Company.

And the Company may releaſe any ſuch by Sea or by Land. All Magiſtrats & others are to be aſſiſting to the Company, on pain of loſs and dammage.

The Company and ſuch as appertain thereto, free of all manner of Taxes, Levies, or other Impoſitions for 21 years.

Every one concerned in the Companie, or who ſhall Settle to Inhabit, or are Born in anie of the Places of their Poſſeſſion, Reputed as Natives of this Kingdom.

Generally all the Priviledges of Companies for Manufactories, and of Societies for Trade and Commerce, in any civil Kingdom or Commonwealth, granted to this Company.

Extracted furth of the Records of Parliament, by

TARBAT, *Cls. Regiſt.*

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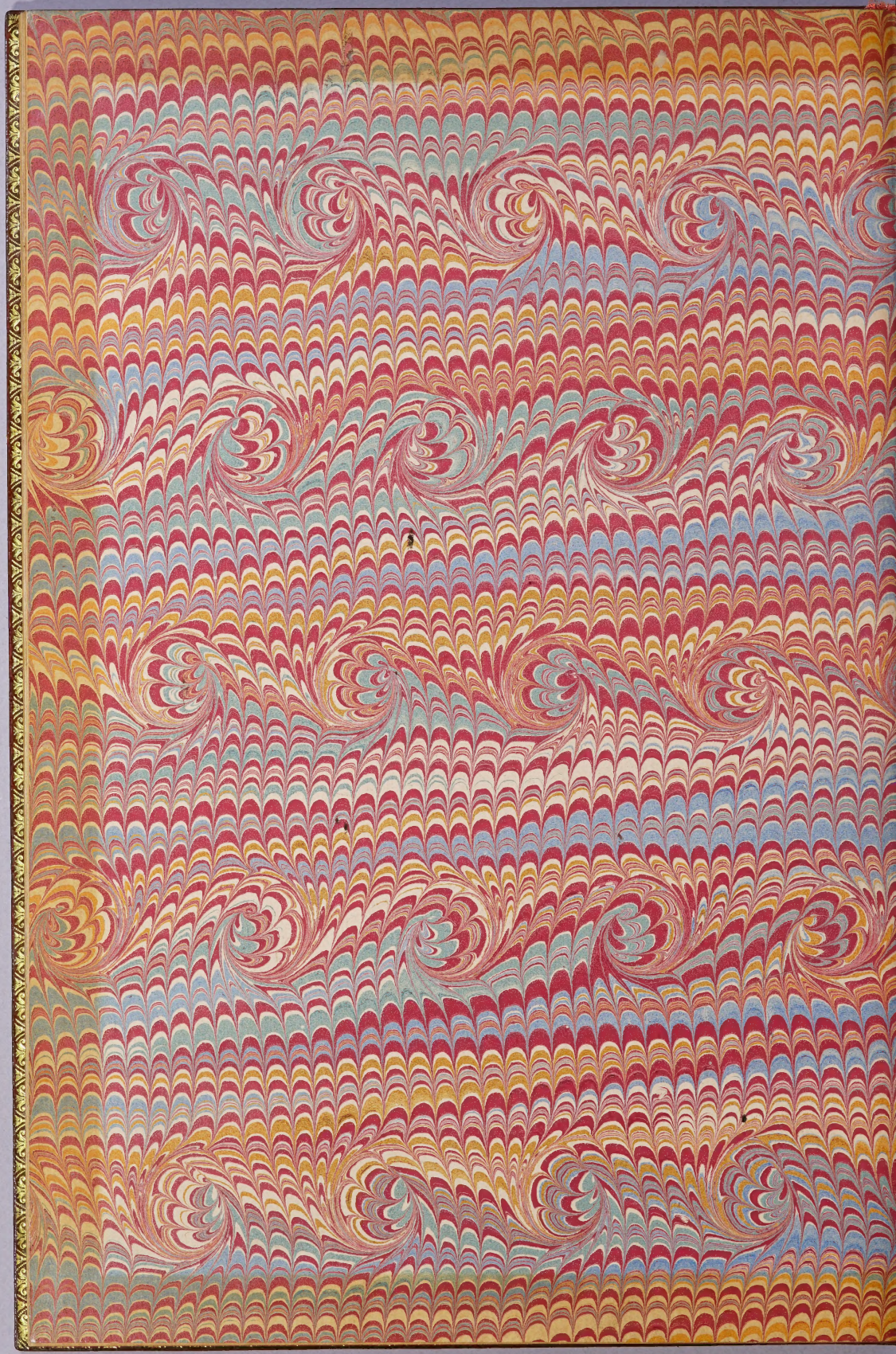
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